

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ALESSI & KOENIG, LLC,

Plaintiff,

v.

DAVID BYRON, et al.,

Defendants.

Case No. 2:15-cv-00808-GMN-PAL

ORDER

(Mot Stay – Dkt. #19)

Before the court is Defendant Federal National Mortgage Association's Motion to Stay All Proceedings (Dkt. #19) filed October 20, 2015. The court has reviewed the motion and Plaintiff's Notice of Non-Opposition to Motion (Dkt. #20) filed October 20, 2015.

Defendant requests a stay of this case pending a final judgment and exhaustion of appeal in the related case in this court, Case No. 2:15-cv-00043-GMN-VCF which involves an identical legal issue concerning whether Fannie Mae's interest in property foreclosed upon in an HOA lien foreclosure is protected by 12 U.S.C. Section 4617(j)(3) which, it argues, preempts NRS Chapter 116 unless the Federal Housing Finance Agency consents to the foreclosure. In the related case Chief Judge Navarro grantee Fannie Mae's motion for summary judgment finding its interest in the property was not affected or extinguished by the HOA foreclosure sale because Section 4617(j)(3) preempts NRS 116.3116. An Amended Final Judgment (Dkt. #66) was entered in the related case on November 23, 2015 which will be appealed to the Ninth Circuit. This case involves distribution of sale proceeds of an HOA foreclosure sale in possession of Alessi & Koenig, LLC. The parties seek to avoid expenditure of resources while the Ninth Circuit decides the federal preemption issue.

For good cause shown,


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1           **IT IS ORDERED** that:

- 2           1. The Motion to Stay All Proceedings (Dkt. #19) is **GRANTED**.
- 3           2. The parties shall file a joint status report with the court every 90 days until the Ninth
- 4           Circuit decides the appeal in the related case, Case No. 2:15-cv-00043-GMN-VCF.

5           DATED this 7th day of December, 2015.

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8           PEGGY A. LEEN  
9           UNITED STATES MAGISTRATE JUDGE

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